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A valid trust of a mortgage-debt may be created by parol, for though a trust thus created will not pass any interest in the land held in pledge, yet it is good as to the debt, and will entitle the *cestui que trust* to the payment of his debt out of the proceeds of the sale of the land : *Id.*

Fee-simple in Trustee—Descent to his Heir-at-Law.—A trust to sell or improve lands ; to invest and re-invest the proceeds ; to collect rents and income ; to pay taxes, assessments, commissions, and other annual expenses and charges ; to pay over the net income, and to divide the estate, vests a fee-simple title in the designated trustees, not limited to the lifetime of the donor's children, which trust descends to the heir at common-law, the eldest son of the survivor of the trustees, and his contract to sell lands of the estate may be specifically enforced : *Zabriskie v. Morris and Essex Railroad Co.*, 33 N. J. Eq.

UNITED STATES COURTS. See *Evidence*.

Practice—Errors and Appeals—Advancing Case to be heard with another—Argument of Points common to both.—When a case is advanced to be heard with another which has precedence on the docket, the rule is to require the two to be argued as one. This rule is never departed from, except under very peculiar circumstances. And as the court cannot compel a party against his will to argue his case with another, a motion to this effect has always been denied if resisted. In the present case, the motion to advance was denied, but counsel were allowed to submit printed arguments in the other case on the questions presented in that which were common to both : *State of Louisiana v. City of New Orleans*, S. C. U. S., Oct. Term 1880.

Practice—Rehearing—Petition for—Time of Filing.—A petition for rehearing after judgment, under the rule promulgated in *Public Schools v. Walker*, 9 Wall. 604, cannot be filed except at the term in which the judgment was rendered. Prior to that case, orders for re-argument could be made only at the same term and upon the application of some member of the court who concurred in the judgment. That case relaxed the rule by allowing counsel to submit a petition for re-argument, but left the rule in all other respects unchanged : *Brooks v. Burlington & Southwestern Railway Co.*, S. C. U. S., Oct. Term 1880.

WARRANTY. See *Sale*.

WITNESS. See *Evidence*.

LIST OF THE PRINCIPAL NEW LAW BOOKS.

ABBOTT.—Trial Evidence. Rules of Evidence applicable on the Trial of Civil Actions. By AUSTIN ABBOTT. New York: Baker, Voorhis & Co. 8vo., pp. 884.

ABBOTT.—The Year Book of Jurisprudence for 1880. By BENJAMIN V. ABBOTT. Boston: Little, Brown & Co. 8vo., pp. 443.

ABBOTT.—Judge and Jury. A popular explanation of Leading Topics in the Law. By B. V. ABBOTT. New York: Harper & Bros. 12mo., pp. 432.

ALABAMA.—Reports of Cases in the Supreme Court. Vol. 62. By THOMAS G. JONES. Montgomery: Joel White.

ANSON.—Principles of the Law of Contract. By Sir W. R. ANSON. With American Notes, by O. W. ALDRICH. Chicago: Callaghan & Co. 8vo., pp. 377.

ARKANSAS.—Reports of Cases in the Supreme Court. Vol. 33. By JOHN M. MOORE. Little Rock.

BINGHAM.—Treatise on the Law of Real Property Actions and Defences. By ANSON BINGHAM. Albany: W. C. Little & Co. 8vo., pp. 617.

BISHOP.—Criminal Procedure, or Commentaries on the Law of Pleading and Practice in Criminal Cases. By JOEL PRENTISS BISHOP. 3d ed., enlarged and re-written. 2 vols., 8vo., pp. 1589. Boston: Little, Brown & Co.

BRICE.—The Doctrine of Ultra Vires. By SEWARD BRICE. 2d Am. ed. By ASHBEL GREEN. New York: Baker, Voorhis & Co. 8vo., pp. 858.

BROWNE.—National Bank Cases. Containing all the Decisions of both Federal and State Courts relating to National Banks, from 1878 to 1880. Also, all the Acts relating to National Banks. With Notes and References. By IRVING BROWNE. Albany: John D. Parsons, Jr. 8vo., pp. 591.

BURKE.—Law of Public Schools. By FINLEY BURKE. 12mo., pp. 154. New York: A. S. Barnes & Co.

CALIFORNIA.—Reports of Cases in the Probate Court of San Francisco. By T. H. BEARDEN. San Francisco: Sumner Whitney & Co.

Reports of Cases in the Supreme Court. Vol. 54. By GEORGE H. SMITH. San Francisco: Sumner Whitney & Co.

CARTER.—The Old Court House. Reminiscences and Anecdotes of the Courts and Bar of Cincinnati. By A. G. W. CARTER. 8vo., pp. 466. Cincinnati: P. G. Thompson.

CHITTY.—Fisher's Digest of the Reported Decisions in the English Courts, from Hilary Term 1870 to Easter Vacation 1880. In two vols. By THOMAS W. CHITTY and JOHN MEWS. London: Henry Sweet. 8vo., pp. 2025.

CONNECTICUT.—Reports of Cases in the Supreme Court of Errors. Vol. 46. By JOHN HOOKER. Hartford: Lockwood & Brainard.

COOLEY.—The General Principles of Constitutional Law in the United States. By T. M. COOLEY. Boston: Little, Brown & Co. 12mo., pp. 376.

CURTIS.—Jurisdiction, Practice and Peculiar Jurisprudence of the Courts of the United States. By G. T. CURTIS and BENJAMIN R. CURTIS. Boston: Little, Brown & Co. 12mo., pp. 298.

DELAWARE.—Reports of Cases in the Courts of Oyer and Terminer, General Sessions of the Peace and Jail Delivery of Delaware. By JOHN W. HOUTON. Wilmington: The James & Webb Printing Co.

GODDARD.—Treatise on the Law of Easements. By J. L. GODDARD. Much enlarged from 2d Eng. ed. of 1877. By EDMUND H. BENNETT. Boston: Houghton, Mifflin & Co. 8vo., pp. 542.

GOIRAND.—The French Code of Commerce and most usual Commercial Laws, with a Commentary and a Compendium of the Judicial Organization and of the Course of Procedure before the Tribunal of Commerce, together with the Text of the Law, the most recent Decisions of the Courts and a Glossary of French Judicial Terms. By LEOPOLD GOIRAND. London: Stevens & Sons. 8vo., pp. 842.

HARRIS.—Principles of Criminal Law. By SEYMOUR T. HARRIS. With Notes by M. F. FORCE. Cincinnati: Robert Clarke & Co. 8vo., pp. 460.

HEARD.—Principles of Pleading in Civil Actions. By FRANKLIN FISKE HEARD. Boston: Little, Brown & Co. 12mo., pp. 352.

HIGH.—Treatise on the Law of Injunctions. 2d edition. By JAMES L. HIGH. Chicago: Callaghan & Co. 2 vols., 8vo., pp. 1235.

ILLINOIS.—Reports of Cases in the Supreme Court. Vol. 95. By NORMAN L. FREEMAN. Springfield.

Reports of Decisions of Appellate Courts. Vol. 6. By JAMES B. BRADWELL. Chicago: Chicago Legal News Co.

INDIANA.—Reports of Cases in the Supreme Court of Judicature. Vol. 69. By AUGUSTUS N. MARTIN. Indianapolis: Sentinel Co.

IOWA.—Reports of Cases in the Supreme Court. Vol. 52. By JOHN S. RUNNELLS. New York: Banks & Bros.

JARMAN.—Treatise on Wills. By THOMAS JARMAN. 3 vols., 5th American ed. from 4th London ed., with Notes and References to American Decisions. By J. F. RANDOLPH and WILLIAM TALCOTT. Jersey City: F. D. Linn & Co.

KANSAS.—Reports of Cases in the Supreme Court. Vol. 23. By A. M. F. RANDOLPH. Topeka: George W. Martin.

KERR.—Law and Practice of Injunctions in Equity. By WILLIAM W. KERR. 2d Am. from 2d Eng. ed., with Notes and References to American Cases. By W. A. HERRICK. Boston: Little, Brown & Co. 8vo., pp. 644.

LANDRETH.—Brief Analysis of the Law of Sale. The Sharswood Prize Essay in the Law Department of the University of Pennsylvania. By LUCIUS S. LANDRETH. Philadelphia: Rees Welsh & Co. 8vo., pp. 65.

LAWRENCE.—Commentaire sur les elements du droit international et sur l'histoire des progress du droit des gens de Henry Wheaton. By WILLIAM BEACH LAWRENCE. Leipzig: F. A. Brockhaus. 4 vols.

LAWSON.—Treatise on the Contracts of Common Carriers. By JOHN D. LAWSON. St. Louis: William H. Stevenson. 8vo., pp. 499.

LEWIS.—Essay on Original Land Titles in Philadelphia. By LAWRENCE LEWIS. Philadelphia: Kay & Bro. 8vo., pp. 266.

LEWIS.—Law relating to Stocks, Bonds and Other Securities in the United States. By F. A. LEWIS, Jr. Philadelphia: Rees Welsh & Co. 8vo., pp. 196.

MAINE.—Reports of Cases in the Supreme Judicial Court. Vol. 70. By DAVID R. HASTINGS. Portland: Dresser, McLellan & Co.

MARYLAND.—Reports of Cases in the Court of Appeals. Vol. 51. By J. SHAAFF STOCKETT. Baltimore: William R. Boyle.

MASSACHUSETTS.—Reports of Cases in the Supreme Judicial Court. Vol. 128. By JOHN LATHROP. Boston: Little, Brown & Co.

MAY.—Law of Crimes. By JOHN WILDER MAY. Boston: Little, Brown & Co. 12mo., pp. 239.

MAYNE.—The Law of Damages. By JOHN D. MAYNE and LINDLEY SMITH. Adapted to the American Law by H. G. WOOD. 8vo., pp. 815. Albany: John D. Parsons.

McMURTRIE.—Administration of Equity through Common-Law Forms as practiced in Pennsylvania. Introductory Lecture of 1880-1 of the Law Department University of Pennsylvania. By RICHARD C. McMURTRIE. Philadelphia: J. M. Power Wallace.

MICHIGAN.—Reports of Cases in the Supreme Court. Vol. 39. By HENRY A. CHANEY. Lansing: W. S. George & Co.

MILLER.—Rhetoric as an Art of Persuasion from the Standpoint of a Lawyer. By D. F. MILLER, Sr. 8vo., pp. 183. Des Moines: Mills & Co.

MISSISSIPPI.—Reports of Cases in the Supreme Court. Vol. 57. By J. A. BROWN and J. B. H. HEMINGWAY. Boston: Little, Brown & Co.

MISSOURI.—Reports of Cases in St. Louis Court of Appeals. Vol. 7. By A. MOORE BERRY. St. Louis: G. T. Jones & Co.

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NEVADA.—Reports of Cases in the Supreme Court. Vol. 14. By C. T. BICKNELL and THOMAS HAWLEY. San Francisco: A. L. Bancroft & Co.

NEW JERSEY.—Reports of Cases in the Court of Chancery, the Prerogative Court and the Court of Errors and Appeals. Vol. 32. By JOHN H. STEWART. Trenton: McCrellish & Singley.

NEW YORK.—Reports of Cases in the Court of Appeals. Vol. 79. By H. E. SICKLES. Albany: A. B. Banks.

Reports of Cases in the Supreme Court. Vol. 28. By MARCUS T. HUN. Albany: W. C. Little & Co.

Reports of Cases in the Court of Common Pleas of New York City. Vol. 8. By CHARLES P. DALY. New York: Banks & Bros.

Howard's Practice Reports in the Supreme Court and Court of Appeals. Vol. 59. By R. M. STOVER. Albany: William Gould & Son.

OHIO.—Reports of Cases in the Supreme Court (New Series). Vol. 35. By E. L. DE WITT. Cincinnati: Robert Clarke & Co.

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POOR.—Manual of Railroad Laws of the United States for 1880. By H. V. & H. W. POOR. New York and London.

PREBLE.—Patent Case Index. Containing Lists of all the Reported Cases involving Patents and Inventions. By W. P. PREBLE, JR. Boston: Little, Brown & Co. 12mo., pp. 937.

RHODE ISLAND.—Reports of Cases in the Supreme Court. Vol. 12. By ARNOLD GREEN. Boston: Houghton, Mifflin & Co.

RICE.—Digest of Decisions in the Patent Office from 1869 to 1880. By D. H. RICE and L. C. RICE. Boston: George B. Reed. 8vo., pp. 475.

SCHOULER.—Treatise on the Law of Bailments. By JAMES SCHOULER. Boston: Little, Brown & Co. 8vo., pp. 699.

SEDGWICK.—Treatise on the Measure of Damages. By THEODORE SEDGWICK. 7th ed. By ARTHUR G. SEDGWICK and G. WILLETT VAN NEST. New York: Baker, Voorhis & Co. 2 vols., 8vo., pp. 1380.

SICKELS.—United States Mining Laws, and the Decisions of the Commissioner of the General Land Office and the Secretary of the Interior thereunder. By D. K. SICKELS. 8vo., pp. 677. San Francisco: A. L. Bancroft & Co.

SIMONDS.—Digest of all the Reported Decisions of the Com'rs of Patents to Jan. 1st 1880. By WILLIAM E. SIMONDS. Washington: W. H. & O. H. Morrison. 12mo., pp. 327.

SOUTH CAROLINA.—Reports of Cases in the Supreme Court. Vol. 12. By ROBERT W. SHAND. Jersey City: Fred. D. Linn & Co.

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Reports of Cases in the Supreme Court. Vol. 8. By JERE BAXTER. Nashville: Tavel, Eastman & Howell.

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Reports of Cases in the Supreme Court. Vol. 52. By A. W. TERRELL. St. Louis: Gilbert Book Co.

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Internal Revenue Laws, including Title XXXV. and other portions of the Revised Statutes of the United States, and other enactments in force March 4th 1879. Compiled under the direction of the Commissioner of Internal Revenue. 8vo. pp. 213. Washington: Government Printing Office.

Public Land Laws. A Compilation of the Laws, Rulings, Decisions and Late Acts of Congress, with reference to the Public Lands of the United States. Compiled from Official Sources. By D. H. TALBOT. Sioux City, Iowa. 8vo., pp. 170.

Legal Rights of Children. In No. 3 1880, Circulars of the Bureau of Education. Washington: Government Printing Office.

Reports of Cases in the Supreme Court. Vol. 101. By WILLIAM T. OTTO. Boston: Little, Brown & Co.

Reports of Cases in the Circuit Court for the First Circuit. Vol. 4. By W. H. CLIFFORD. Boston: Little, Brown & Co.

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Reports of Cases in the Circuit Court for the Fifth Circuit. Vol. 3. By WILLIAM B. WOODS. Chicago: Callaghan & Co.

Official opinions of the Attorney-General. Vol. 15. By A. J. BENTLEY. Washington: W. H. & O. H. Morrison.

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WADE.—Treatise on the Operation and Construction of Retroactive Laws as affected by Constitutional Limitations and Judicial Interpretations. By WILLIAM P. WADE. St. Louis: F. H. Thomas & Co. 8vo., pp. 391.

WEEKS.—Treatise on the Law of Depositions. Comprising also an Abstract of the Statutory Law pertaining thereto. By EDWARD P. WEEKS. San Francisco: Sumner Whitney & Co. 8vo., pp. 714.

WELLS.—Treatise on the Jurisdiction of Courts. In 2 vols., each volume complete in itself. By J. C. WELLS. Vol. 1, 8vo., pp. 650. St. Paul: West Publishing Co.

WHARTON.—Treatise on Criminal Law. 8th ed. By FRANCIS WHARTON. Philadelphia: Kay & Bro., 2 vols., 8vo., pp. 1644.

Treatise on the Law of Evidence in Criminal Issues. 8th ed. By FRANCIS WHARTON. Philadelphia: Kay & Bro., 8vo., pp. 833.

Treatise on Criminal Pleading and Practice. 8th ed. By FRANCIS WHARTON. Philadelphia: Kay & Bro., 8vo., pp. 804.

WISCONSIN.—Reports of Cases in the Supreme Court. Vol. 49. By O. M. CONOVER. Chicago: Callaghan & Co.

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